



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION I
5 POST OFFICE SQUARE SUITE 100
BOSTON, MASSACHUSETTS 02109-3912**

VIA EMAIL - READ RECEIPT REQUESTED

June 30, 2021

Michael Pentony, Regional Administrator
Greater Atlantic Regional Fisheries Office
National Oceanic and Atmospheric Administration
National Marine Fisheries Service
55 Great Republic Drive, Suite 04-446
Gloucester, MA 01930

Subject: EPA Region 1 NEPA Significance Determination for the Proposed
Blue Water Fisheries Facility in Federal Waters in the Gulf of Maine

Dear Mr. Pentony:

Please find enclosed the U.S. Environmental Protection Agency, Region 1's (EPA) National Environmental Policy Act (NEPA) Significance Determination for the Blue Water Fisheries (BWF) facility (Significance Determination). As proposed, BWF's finfish aquaculture facility would be in federal waters in the Gulf of Maine, approximately nine nautical miles southeast of Hampton, New Hampshire.

As discussed in the enclosed Significance Determination, operation of the proposed facility would result in discharges of pollutants to waters of the United States that are prohibited unless authorized by a National Pollutant Discharge Elimination System (NPDES) permit issued to BWF by EPA under the Clean Water Act (CWA). (The project will also require a permit from the U.S. Army Corps of Engineers (USACE) under Section 10 of the Rivers and Harbors Act.) As also discussed in the Significance Determination, the BWF facility is considered a "new source" under the CWA and, as such, EPA must undertake a NEPA review to support its decision-making regarding BWF's request for an NPDES permit. The Significance Determination documents EPA's determination about the level of NEPA review warranted to support EPA's future decision on BWF's application for an NPDES permit. Specifically, EPA has decided that preparation of an Environmental Impact Statement (EIS) is appropriate in this case.

As explained in the Significance Determination, EPA expects that NOAA will take the lead on development of the EIS to support both EPA's and the USACE's proposed actions. Executive

Order (E.O.) 13921 (May 7, 2020) addresses aquaculture projects requiring environmental review or authorization by two or more federal agencies. Section 6(a)(i) of this E.O. states that National Oceanic and Atmospheric Administration (NOAA) is designated the “lead agency” for EISs related to aquaculture projects located outside of the waters of any state or territory and within the exclusive economic zone of the U.S. and “shall be responsible for navigating the project through the Federal environmental review and authorization process, including the identification of a primary point of contact at each cooperating and participating agency” *See also* 40 CFR §1501.7. Since the proposed location of the BWF project is outside the waters of any state and within the exclusive economic zone of the U.S., and it will require authorizations from both EPA and USACE, EPA expects NOAA to be the lead agency for the EIS in this case. EPA plans to serve as a cooperating agency on the EIS in accordance with 40 CFR § 1501.8.

My staff has been coordinating with your staff, as well as with staff from the USACE, to facilitate a high quality, efficient evaluation of this project. The agencies have also been in frequent contact with the project applicant as well as with representatives of the interested states (namely, New Hampshire, Maine, and Massachusetts).

We look forward to continued coordination with your office as we proceed together through this NEPA review.

Sincerely,

Deborah A. Szaro
Acting Regional Administrator

Enclosed: EPA’s NEPA Significance Determination for the Proposed
Blue Water Fisheries Facility in Federal Waters of the Gulf of Maine, June 29, 2021

CC: Rick Kristoff, USACE

